

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                              |   |                                   |
|------------------------------|---|-----------------------------------|
| In re PATENT APPLICATION of: | ) |                                   |
|                              | ) |                                   |
| Roger NOËL                   | ) | Confirmation No.: 7999            |
|                              | ) |                                   |
| Application No.: 10/533,873  | ) | Group Art Unit: 3721              |
|                              | ) |                                   |
| Filed: May 19, 2006          | ) | Examiner: Chukwurah, Nathaniel C. |
|                              | ) |                                   |
| FOR: ARRANGEMENT FOR         | ) |                                   |
| CONTROLLING ROCK DRILLING    | ) |                                   |

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window Mail Stop: Amendment  
Alexandria, VA 22314

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Office Action, a Notice of Allowance, or another action that closes prosecution in the application.

Applicant submits that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

An Opposition issued by fax on February 27, 2008 issued in European Application No. 03810474.1 (European Publication No. 1 558 836 ) listing documents from a counterpart, related, or other application and having documents cited thereon is attached for the Examiner's consideration. Any of these documents not previously cited, and any additional documents are listed on the PTO Form 1449.

The following reference(s) cited in the above-noted Opposition were previously cited in an Information Disclosure Statement filed in the U.S. Patent and Trademark Office as follows:

| <u>Reference No.</u> | <u>Country</u> | <u>Cited in IDS filed:</u> |
|----------------------|----------------|----------------------------|
| 0112810              | EP             | May 5, 2005                |

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. As for any document listed on the accompanying PTO-1449 that is in a language other than English, relevance can be understood from an enclosed English abstract or at least partial translation or from mention in the specification or in a search report for a corresponding application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.


Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, it is respectfully requested that the undersigned be contacted at the number indicated below.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

Date: April 11, 2008  
DRINKER BIDDLE & REATH LLP  
Customer No. 55694  
1500 K Street, N.W., Suite 1100  
Washington, D.C. 20005-1209  
Tel. No.: 202-842-8800  
EPS:mk

By:

  
Elaine P. Spector  
Reg. No. 40,116  
Attorney for Applicants  
Tel. No.: (202) 842-8863  
Fax No.: (202) 842-8465